

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI**

ALEX PENLAND,

Petitioner,

: Case No. 1:18-cv-648

- vs -

District Judge Michael R. Barrett  
Magistrate Judge Michael R. Merz

SEAN BOWERMAN, Warden,  
Toledo Correctional Institution,

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Respondent.

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**ORDER STRIKING INTERROGATORIES**

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This habeas corpus case is before the Court upon the filing by Petitioner of a set of interrogatories purportedly directed to Penland's trial attorney, Clyde Bennett (ECF No. 54). The Interrogatories are STRICKEN for the following non-exclusive reasons:

1. Although the interrogatories are purportedly propounded on Mr. Bennett, they do not show that they have been served on him.
2. Interrogatories are a vehicle for obtaining discovery from a party in the case. Mr. Bennet is not a party.
3. Fed.R.Civ.P. 5 prohibits the filing of discovery documents, including interrogatories.
4. Discovery is not a matter of right in a habeas corpus case; it may only be undertaken with court permission. Penland has a pending motion for leave to conduct discovery (ECF No. 38) which the Court has not yet ruled on. Indeed, Respondent has sought and obtained an extension of time to respond to that motion.

Accordingly, the Interrogatories are STRICKEN and Petitioner is ordered not to propound or file any additional discovery without court permission.

December 28, 2019.

s/ *Michael R. Merz*  
United States Magistrate Judge